



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

June 23, 2016

Keddy Mill Enterprises, LLC  
c/o Mr. Scott LaLumiere  
Milk Street Capital, LLC  
84 Middle Street  
Portland, ME 04101

Re: Keddy Mill Superfund Site, Windham, Maine  
Proposed Property Lien, 7 Depot Street

Dear Mr. LaLumiere:

This letter informs you that the United States Environmental Protection Agency ("EPA") intends to perfect a lien upon property located at 7 Depot Street, Windham, Maine (the "Property"). The property is part of the Keddy Mill Superfund Site in Windham, Maine (the "Site"). The legal description of the Property is set forth in Enclosure 1. EPA's authority to perfect this lien arises under Section 107 (1) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9607(1), commonly known as "Superfund."

EPA has determined that a release or threat of release of hazardous substances pursuant to Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), has occurred at or from the Property. EPA has incurred response costs to abate the release or threat of release of hazardous substances at the Property. Hazardous substances at the Property include, but are not limited to, volatile organic compounds including 2-butanone, acetone, and methyl acetate; polychlorinated biphenyls ("PCBs") including Aroclor-1242, and Aroclor-1248; and numerous metals (arsenic, cadmium, chromium, cobalt, copper, iron, manganese, nickel and zinc). Under CERCLA Sections 107(a) and 101(9), 42 U.S.C. §§ 9607(a) and 9601(9), persons liable for EPA's response costs include persons who own any "facility" including a site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise came to be located.

EPA has determined that Keddy Mill Enterprises, LLC ("Keddy Mill") owns the Property. As an owner of the Property, under Section 107(a), 42 U.S.C. § 9607(a), Keddy Mill is liable to the United States for all costs incurred at the Property. On April



SEMS DocID

588861

Superfund Records Center

SITE: Keddy Mill

BREAK: 11.09

OTHER: \_\_\_\_\_

20, 2016, EPA notified Keddy Mill by certified mail of its potential liability under CERCLA. The lien is intended to secure payment to the United States of costs and damages incurred by EPA while responding to the release or threat of release of hazardous substances at the Property. Keddy Mill may avoid the perfection of a lien upon the Property by paying all costs and damages for which it is liable.

EPA has a reasonable basis to believe that the statutory elements for perfecting this lien are satisfied. A Lien Filing Record consisting of documents relating to its decision to perfect the lien has been assembled and may be reviewed and/or copied by arrangement with Diane Boudrot, at the address listed below:

Diane Boudrot, Paralegal  
U.S. Environmental Protection Agency  
Office of Environmental Stewardship  
5 Post Office Square (OES04-4)  
Boston, MA 02109-3912  
(617) 918-1776

After fourteen (14) calendar days from the date you receive this letter, EPA intends to transmit a notice of lien to the Town of Windham Registry of Deeds, to perfect the lien upon the Property. A lien arising in favor of the United States on the Property continues until the liability for costs is satisfied or until the liability for costs becomes unenforceable through operation of the statute of limitations in CERCLA Section 113, 42 U.S.C. § 9613.

You may notify EPA in writing within fourteen (14) calendar days of the receipt of this letter if you believe EPA's information or determination is in error. You should describe in your letter reasons for believing that EPA does not have a reasonable basis to perfect the lien, include documents or information supporting your contentions, and send it to the EPA attorney listed below.

You may also request an opportunity to appear before a neutral EPA official to present information indicating that EPA does not have a reasonable basis to perfect the lien. Submissions or requests for an opportunity to appear before a neutral EPA official should: (1) be in writing within fourteen (14) calendar days from the receipt of this letter; (2) include documents or information supporting your contentions; (3) reference the Keddy Mill Superfund Site; and (4) be sent to the EPA attorney at the following address:

Susan Scott, Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Office of Environmental Stewardship  
5 Post Office Square (OES04-4)  
Boston, MA 02109-3912  
(617) 918-1778

If EPA receives a written submission from you within fourteen (14) calendar days from the date you receive this letter, EPA staff will review your submission. If, after review and consultation, EPA agrees that the Agency does not have a reasonable basis upon which to perfect a lien, EPA will not proceed to perfect the lien, and will notify you in writing. If however, EPA determines that there is a reasonable basis to proceed, the information you submitted, along with the Lien Filing Record, will be referred to a neutral EPA official for review or a meeting.

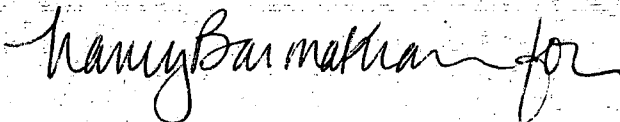
If you have requested an opportunity to appear before a neutral EPA official, an informal meeting will be scheduled. You may choose to attend this meeting in person or via teleconference. EPA will be represented by its enforcement staff, including the case attorney. You may be represented by counsel at this meeting. At the meeting, you may provide information as to why the EPA's determination requires reconsideration. The meeting will not be conducted using rules of evidence or formal administrative or judicial procedures. The sole issue to be addressed at the meeting is whether EPA has a reasonable basis to perfect its lien under Section 107(1) of CERCLA, 42 U.S.C. § 9607(1).

After review of the written information you submitted, and/or a meeting if one is requested, the neutral EPA official will issue a recommended decision. The decision will be forwarded to the EPA official with the authority to execute this lien. You will be provided with written notification of EPA's action and furnished a copy of the recommended decision. Except as provided by Section 113(h) of CERCLA, 42 U.S.C. § 9613(h), you may not obtain judicial review or reconsideration of EPA's decision.

Finally, in the event that you do not submit information or request a meeting, neither you nor EPA is prohibited from asserting any claims or defenses in the future as a result of the recommended decision.

If you have any questions pertaining to this letter please contact Susan Scott, Senior Enforcement Counsel, at (617) 918-1778.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryan Olson", followed by a horizontal line and the word "for".

Bryan Olson, Director  
Office of Site Remediation & Restoration

Enclosure

cc: Susan Scott, Senior Enforcement Counsel  
Diane Boudrot, Paralegal

## ENCLOSURE 1

After recording, return to:  
Keddy Mill Enterprises LLC  
c/o MECAP  
84 Middle Street  
Portland, ME 04101

Doc#: 54058 Bk:29050 Pg: 322

### QUITCLAIM DEED WITHOUT COVENANT

MAINE REAL ESTATE TAX PAID

**HRC - VILLAGE AT LITTLE FALLS, LLC**, a Maine limited liability company, with a principal office and mailing address of 100 Commercial Street, Suite 401, Portland, Maine 04101 ("Grantor"), for consideration paid, releases to **KEDDY MILL ENTERPRISES, LLC** a Maine limited liability company with a mailing address of c/o Perkins Olson, 32 Pleasant Street, P. O. Box 449, Portland, ME 04112-0449, ("Grantee"), any and all right, title and interest in and to the real property, together with any improvements thereon, located at Depot Street, in the Windham, Cumberland County, Maine, more particularly bounded and described as follows (the "Premises"):

#### PARCEL I (TAX MAP 38, LOT 7):

A certain lot or parcel of land in the Town of Windham, County of Cumberland, and State of Maine and being more particularly bounded and described as follows:

**BEGINNING** at the northeasterly corner of land now or formerly of George Wood recorded in Book 16601, Page 217 at the Cumberland County Registry of Deeds ("CCRD").

**THENCE** S 89°- 07'- 00" E along the southerly side of Depot Road 281.81 feet to a 1-inch iron pipe;

**THENCE** N 73°- 29'- 00" E along the southerly side of Depot Road 35.83 feet to a point. Said point being the northwesterly corner of land now or formerly of Joseph Kittrell as recorded in Book 16811, Page 99 (CCRD);

**THENCE** S 15°-32'-00" E along the westerly line of lands of said Kittrell 141.00 feet to a point;

**THENCE** S 41°- 27'-00" E along the southwesterly line of land of said Kittrell 72.00 feet to an 1-inch iron rod;

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THENCE N 75°-49'-00" E along the southerly line of land of said Kittrell 148.08 feet to a 1-inch iron pipe. Said iron pipe being the on the westerly right-of-way line of land owned by Maine Central Railroad;

THENCE southerly along said westerly right-of-way line of Maine Central Railroad being a curve to the right 101.02 feet to a point. Said curve has a radius of 1881.86', Chord Length of 101.01', and a Chord Bearing of S 08°-51'-14" W;

THENCE S 10°-23'-30" W along said westerly right-of-way line of said Maine Central Railroad 812.42 feet to a point;

Thence S 73°-03'-30" W along said westerly right-of-way line of said Maine Central Railroad 50.00 feet to an iron rod;

THENCE S 00°-40'-40" E along said westerly right-of-way line of said Maine Central Railroad 172.46 feet to a 4" x 4" concrete monument. Said point being a northeasterly corner of lands now or formerly of S.D. Warren Company as recorded in Book 3612, Page 25 (CCRD);

THENCE N 79°-36'-30" W along a northeasterly line of said land of S.D. Warren Company 67.13 feet to a 4" x 4" concrete monument;

THENCE N 03°-58'-30" E along a easterly line of said land of S.D. Warren Company 606.62 feet to a 4" x 4" concrete monument;

THENCE N 42°-33'-00" W along a northeasterly line of said land of S.D. Warren Company 389.60 feet to a point;

THENCE N 77°-50'-00" W along northeasterly line of said land of S.D. Warren Company 34.72 feet. Said point being easterly of the S.D. Warren Co. power plant;

THENCE N 12°-27'-00" E along a easterly line of said land of S.D. Warren Company 58.74 feet to a drill hole;

THENCE N 77°-33'-00" W along northerly line of said land of S.D. Warren Company 99.6 feet to a point. Said point being the southeasterly corner of the remaining land now or formerly of Lumas, Inc. as recorded in Book 18046, Page 32 (CCRD).

THENCE N 15°-46'-30" E along said land now or formerly of Lumas 192.79 feet to a 6" x 6" granite monument. Said point being the southeasterly corner of land of said Wood;

THENCE N 15°-46'-30" E along the easterly line of said Wood 59.97 feet to the  
POINT  
OF BEGINNING.

The basis of bearing for the above described parcel is 1969 Magnetic North.

The above described premises are shown on Plan entitled "Existing Conditions Plan of Keddy Mill" by Northeast Civil Solutions, dated November 6, 2003, recorded in the Cumberland County Registry of Deeds in Registry of Deeds in Plan Book 204, Page 78.

Being the same premises conveyed to HRC-Village at Little Falls, LLC by deed from Village at Little Falls, LLC, dated November 30, 2006 and recorded in the Cumberland County Registry of Deeds in Book 24617, Page 165.

**PARCEL II (TAX MAP 38, LOT 13):**

A certain lot or parcel of land together with any improvements thereon, situated in in South Windham, in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

Situated on the Southeasterly side of what is now known as Depot Street and bounded Northwesterly by said Depot Street; bounded Southwesterly and Southeasterly by land now or formerly of Sebago Wood Board Company, and Northeasterly by land now or formerly owned by Maine Central Railroad Company.

Being the same premises conveyed to HRC - Village at Little Falls, LLC by deed of Joseph Kittrell, dated April 5, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23835, Page 21.

The above-described Parcels I and II are hereby conveyed subject to all matters of record.

By acceptance of this deed, the Grantee assumes all liability for liens and encumbrances and any and all assessments including unpaid real and personal property taxes.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused this instrument to be signed by its undersigned officer, duly authorized, this 19 day of October, 2011.

WITNESS:

HRC - VILLAGE AT LITTLE FALLS, LLC

*Denise Chyles*

By: *[Signature]*  
Name: Renee J. Lewis  
Its: Manager

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss

October 17, 2011

Personally appeared the above-named Renee J. Lewis, in her capacity as Manager of HRC - Village at Little Falls, LLC and acknowledged before me the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of Grantor.

*Denise Chyles*  
Notary Public - Attorney at Law

Printed Name: *Denise Chyles*  
Commission Expires: *Oct. 13, 2012*

SEAL

SEEN AND AGREED TO:  
KEDDY MILL ENTERPRISES, LLC

By: LUMAS, INC.  
Its: Sole Member

By: Scott Lalumiere  
Its: President



IN WITNESS WHEREOF, Grantor has caused this instrument to be signed by its undersigned officer, duly authorized, this \_\_\_\_ day of October, 2011.

WITNESS:

HRC - VILLAGE AT LITTLE FALLS, LLC

By: \_\_\_\_\_  
Name: Renee J. Lewis  
Its: Manager

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss

October \_\_, 2011

Personally appeared the above-named Renee J. Lewis, in her capacity as Manager of HRC - Village at Little Falls, LLC and acknowledged before me the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of Grantor.

Notary Public/ Attorney-at-Law  
Printed Name: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

SEEN AND AGREED TO  
KEDDY MILL ENTERPRISES, LLC  
By: LUMAS, INC.  
Its: Sole Member

  
By: Scott Lalumiere  
Its: President

Received  
Recorded Register of Deeds  
Oct 20, 2011 02:11:36P  
Cumberland County  
Pamela E. Lovley

Lien Filing Record Index  
Keddy Mill Superfund Site, Windham, ME

1. EPA's notice of intent to perfect a lien
2. Quitclaim Deed, Book 29050, Pages 322-326
3. EPA's itemized past cost summary, Keddy Mill Superfund Site
4. EPA's notice of potential liability to Keddy Mill Superfund Site, April 20, 2016
5. HRS Documentation Record for the Keddy Mill Superfund Site
6. Federal Register Notice of NPL listing, May 12, 2014
7. Site Inspection Worksheets, June 30, 1995